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Paper No. 12

Owens Corning  
2790 Columbus Road  
Granville, OH 43023

**COPY MAILED**

JAN 16 2004

**OFFICE OF PETITIONS**

In re Application of  
Liang Chen, et. al.  
Application No. 09/814,034  
Filed: March 21, 2001  
Attorney Docket No. 25061A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 22, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight July 22, 2003.

In response to the final Office action, petitioner submitted with the instant petition \$1,330 for the petition to revive fee, a Request for Continued Examination (RCE), \$770 for the filing of the Request for Continued Examination and an amendment. The fees listed above have been charged to petitioner's deposit account, as authorized in the instant petition.

Since the requirements for a grantable petition have been met, the petition is **GRANTED**.

The application file is being forwarded to Technology Center 1700 for processing the Request for Continued Examination under 37 CFR 1.114, and for further review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to Andrea Smith at  
(703) 308-6711

Andrea Smith  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



RECEIVED

JAN 13 2004

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DA JG

## OFFICE OF PETITIONS

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
25061A

First named inventor: Chen

Confirmation No.:  
3539

Application No.: 09/814,034

Group Art Unit: 1713

Filed: March 21, 2001

Examiner: D. Wilson

Title: Low odor insulation binder from phosphite terminated polyacrylic acid

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

 Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Preliminary Amendment (identify type of reply):

has been filed previously on \_\_\_\_\_

is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

has been paid previously on \_\_\_\_\_

is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

01/13/2004 AWONDAF1 00000084 500568 09814034

01 FC:1453 1330.00 DA

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

2 Dec 2003

Date

Signature

Telephone

Number: (740) 321-7162

Stephen W. Barns

Typed or printed name

2790 Columbus Road, Bldg. 11

Address

Enclosures:  Fee Payment

Granville, Ohio 43023-1200

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box-DAC, Washington, D.C. 20231. MAIL STOP PETITION, P.O. Box 1450, ALEXANDRIA, VA 22313-1450
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

1/7/04

Date

Signature

Jan Hostasa

Type or printed name of person signing certificate

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1,330.00)

**Complete if Known**

Application Number	09/814,034	RECEIVED
Filing Date	March 21, 2001	JAN 13 2004
First Named Inventor	Chen	OFFICE OF PETITIONS
Examiner Name	D. Wilson	
Group Art Unit	1713	
Attorney Docket No.	25061A	

**METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	50-0568
Deposit Account Name	Owens-Corning Fiberglas Technology, Inc.

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

- Check  Credit card  Money Order  Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	
106	320	206 160 Design filing fee	
107	490	207 245 Plant filing fee	
108	710	208 355 Reissue filing fee	
114	150	214 75 Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES**

Total Claims	-20** =	X	=	Fee from below	Fee Paid
Independent Claims	- 3** =	X	=		
Multiple Dependent					

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103	18	203 9 Claims in excess of 20	
102	80	202 40 Independent claims in excess of 3	
104	270	204 135 Multiple dependent claim, if not paid	
109	80	209 40 ** Reissue independent claims over original patent	
110	18	210 9 ** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater; For Reissues, see above

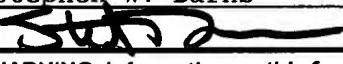
**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	0.00
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	0.00
139	130	139 130 Non-English specification	0.00
147	2,520	147 2,520 For filing a request for ex parte reexamination	0.00
112	920*	112 920* Requesting publication of SIR prior to Examiner action	0.00
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	0.00
115	110	215 55 Extension for reply within first month	0.00
116	390	216 195 Extension for reply within second month	0.00
117	890	217 445 Extension for reply within third month	0.00
118	1,390	218 695 Extension for reply within fourth month	0.00
128	1,890	228 945 Extension for reply within fifth month	0.00
119	310	219 155 Notice of Appeal	0.00
120	310	220 155 Filing a brief in support of an appeal	0.00
121	270	221 135 Request for oral hearing	0.00
138	1,510	138 1,510 Petition to institute a public use proceeding	0.00
140	110	240 55 Petition to revive - unavoidable	0.00
141	1,240	241 620 Petition to revive - unintentional	1330.00
142	1,240	242 620 Utility issue fee (or reissue)	0.00
143	440	243 220 Design issue fee	0.00
144	600	244 300 Plant issue fee	0.00
122	130	122 130 Petitions to the Commissioner	0.00
123	50	123 50 Petitions related to provisional applications	0.00
126	240	126 240 Submission of Information Disclosure Stmt	0.00
581	40	581 40 Recording each patent assignment per property (times number of properties)	0.00
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	0.00
179	710	279 355 Request for Continued Examination (RCE)	0.00
169	900	169 900 Request for expedited examination of a design application	0.00
Other fee (specify) _____			

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,330.00)

**SUBMITTED BY**

Name (Print/Type)	Stephen W. Barns	Registration No. (Attorney/Agent)	38,037	Telephone	740/321-7162
Signature		Date	2 DEC 2003		

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